

By: Representative Powell

To: Ways and Means

HOUSE BILL NO. 236

1 AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE NUMBER OF PACKAGE RETAILER'S PERMITS THAT MAY BE  
3 OWNED BY A PERSON OR IN WHICH A PERSON MAY HAVE A CONTROLLING  
4 INTEREST FROM ONE TO THREE; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 67-1-51, Mississippi Code of 1972, is  
7 amended as follows:

8 67-1-51. (1) Permits which may be issued by the department  
9 shall be as follows:

10 (a) **Manufacturer's permit.** A manufacturer's permit  
11 shall permit the manufacture, importation in bulk, bottling and  
12 storage of alcoholic liquor and its distribution and sale to  
13 manufacturers holding permits under this chapter in this state and  
14 to persons outside the state who are authorized by law to purchase  
15 the same, and to sell as provided by this chapter.

16 Manufacturer's permits shall be of the following classes:

17 Class 1. Distiller's and/or rectifier's permit, which shall  
18 authorize the holder thereof to operate a distillery for the  
19 production of distilled spirits by distillation or redistillation



20 and/or to operate a rectifying plant for the purifying, refining,  
21 mixing, blending, flavoring or reducing in proof of distilled  
22 spirits and alcohol.

23 Class 2. Wine manufacturer's permit, which shall authorize  
24 the holder thereof to manufacture, import in bulk, bottle and  
25 store wine or vinous liquor.

26 Class 3. Native wine producer's permit, which shall  
27 authorize the holder thereof to produce, bottle, store and sell  
28 native wines.

29 Class 4. Native spirit producer's permit, which shall  
30 authorize the holder thereof to produce, bottle, store and sell  
31 native spirits.

32 (b) **Package retailer's permit.** Except as otherwise  
33 provided in this paragraph and Section 67-1-52, a package  
34 retailer's permit shall authorize the holder thereof to operate a  
35 store exclusively for the sale at retail in original sealed and  
36 unopened packages of alcoholic beverages, including native wines  
37 and native spirits, not to be consumed on the premises where sold.  
38 Alcoholic beverages shall not be sold by any retailer in any  
39 package or container containing less than fifty (50) milliliters  
40 by liquid measure. A package retailer's permit, with prior  
41 approval from the department, shall authorize the holder thereof  
42 to sample new product furnished by a manufacturer's representative  
43 or his employees at the permitted place of business so long as the  
44 sampling otherwise complies with this chapter and applicable



45 department regulations. Such samples may not be provided to  
46 customers at the permitted place of business. In addition to the  
47 sale at retail of packages of alcoholic beverages, the holder of a  
48 package retailer's permit is authorized to sell at retail  
49 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
50 other beverages commonly used to mix with alcoholic beverages.  
51 Nonalcoholic beverages sold by the holder of a package retailer's  
52 permit shall not be consumed on the premises where sold.

53 (c) **On-premises retailer's permit.** Except as otherwise  
54 provided in subsection (5) of this section, an on-premises  
55 retailer's permit shall authorize the sale of alcoholic beverages,  
56 including native wines and native spirits, for consumption on the  
57 licensed premises only; however, a patron of the permit holder may  
58 remove one (1) bottle of wine from the licensed premises if: (i)  
59 the patron consumed a portion of the bottle of wine in the course  
60 of consuming a meal purchased on the licensed premises; (ii) the  
61 permit holder securely reseals the bottle; (iii) the bottle is  
62 placed in a bag that is secured in a manner so that it will be  
63 visibly apparent if the bag is opened; and (iv) a dated receipt  
64 for the wine and the meal is available. Additionally, as part of  
65 a carryout order, a permit holder may sell one (1) bottle of wine  
66 to be removed from the licensed premises for every two (2) entrees  
67 ordered. Such a permit shall be issued only to qualified hotels,  
68 restaurants and clubs, small craft breweries, microbreweries, and  
69 to common carriers with adequate facilities for serving



70 passengers. In resort areas, whether inside or outside of a  
71 municipality, the department, in its discretion, may issue  
72 on-premises retailer's permits to such establishments as it deems  
73 proper. An on-premises retailer's permit when issued to a common  
74 carrier shall authorize the sale and serving of alcoholic  
75 beverages aboard any licensed vehicle while moving through any  
76 county of the state; however, the sale of such alcoholic beverages  
77 shall not be permitted while such vehicle is stopped in a county  
78 that has not legalized such sales. If an on-premises retailer's  
79 permit is applied for by a common carrier operating solely in the  
80 water, such common carrier must, along with all other  
81 qualifications for a permit, (i) be certified to carry at least  
82 one hundred fifty (150) passengers and/or provide overnight  
83 accommodations for at least fifty (50) passengers and (ii) operate  
84 primarily in the waters within the State of Mississippi which lie  
85 adjacent to the State of Mississippi south of the three (3) most  
86 southern counties in the State of Mississippi and/or on the  
87 Mississippi River or navigable waters within any county bordering  
88 on the Mississippi River.

89 (d) **Solicitor's permit.** A solicitor's permit shall  
90 authorize the holder thereof to act as salesman for a manufacturer  
91 or wholesaler holding a proper permit, to solicit on behalf of his  
92 employer orders for alcoholic beverages, and to otherwise promote  
93 his employer's products in a legitimate manner. Such a permit  
94 shall authorize the representation of and employment by one (1)



95 principal only. However, the permittee may also, in the  
96 discretion of the department, be issued additional permits to  
97 represent other principals. No such permittee shall buy or sell  
98 alcoholic beverages for his own account, and no such beverage  
99 shall be brought into this state in pursuance of the exercise of  
100 such permit otherwise than through a permit issued to a wholesaler  
101 or manufacturer in the state.

102           (e) **Native wine retailer's permit.** Except as otherwise  
103 provided in subsection (5) of this section, a native wine  
104 retailer's permit shall be issued only to a holder of a Class 3  
105 manufacturer's permit, and shall authorize the holder thereof to  
106 make retail sales of native wines to consumers for on-premises  
107 consumption or to consumers in originally sealed and unopened  
108 containers at an establishment located on the premises of or in  
109 the immediate vicinity of a native winery. When selling to  
110 consumers for on-premises consumption, a holder of a native wine  
111 retailer's permit may add to the native wine alcoholic beverages  
112 not produced on the premises, so long as the total volume of  
113 foreign beverage components does not exceed twenty percent (20%)  
114 of the mixed beverage. Hours of sale shall be the same as those  
115 authorized for on-premises permittees in the city or county in  
116 which the native wine retailer is located.

117           (f) **Temporary retailer's permit.** Except as otherwise  
118 provided in subsection (5) of this section, a temporary retailer's  
119 permit shall permit the purchase and resale of alcoholic



120 beverages, including native wines and native spirits, during legal  
121 hours on the premises described in the temporary permit only.

122 Temporary retailer's permits shall be of the following  
123 classes:

124 Class 1. A temporary one-day permit may be issued to bona  
125 fide nonprofit civic or charitable organizations authorizing the  
126 sale of alcoholic beverages, including native wine and native  
127 spirit, for consumption on the premises described in the temporary  
128 permit only. Class 1 permits may be issued only to applicants  
129 demonstrating to the department, by a statement signed under  
130 penalty of perjury submitted ten (10) days prior to the proposed  
131 date or such other time as the department may determine, that they  
132 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
133 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
134 Class 1 permittees shall obtain all alcoholic beverages from  
135 package retailers located in the county in which the temporary  
136 permit is issued. Alcoholic beverages remaining in stock upon  
137 expiration of the temporary permit may be returned by the  
138 permittee to the package retailer for a refund of the purchase  
139 price upon consent of the package retailer or may be kept by the  
140 permittee exclusively for personal use and consumption, subject to  
141 all laws pertaining to the illegal sale and possession of  
142 alcoholic beverages. The department, following review of the  
143 statement provided by the applicant and the requirements of the  
144 applicable statutes and regulations, may issue the permit.



145           Class 2. A temporary permit, not to exceed seventy (70)  
146 days, may be issued to prospective permittees seeking to transfer  
147 a permit authorized in paragraph (c) of this subsection. A Class  
148 2 permit may be issued only to applicants demonstrating to the  
149 department, by a statement signed under the penalty of perjury,  
150 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
151 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
152 67-1-59. The department, following a preliminary review of the  
153 statement provided by the applicant and the requirements of the  
154 applicable statutes and regulations, may issue the permit.

155           Class 2 temporary permittees must purchase their alcoholic  
156 beverages directly from the department or, with approval of the  
157 department, purchase the remaining stock of the previous  
158 permittee. If the proposed applicant of a Class 1 or Class 2  
159 temporary permit falsifies information contained in the  
160 application or statement, the applicant shall never again be  
161 eligible for a retail alcohol beverage permit and shall be subject  
162 to prosecution for perjury.

163           Class 3. A temporary one-day permit may be issued to a  
164 retail establishment authorizing the complimentary distribution of  
165 wine, including native wine, to patrons of the retail  
166 establishment at an open house or promotional event, for  
167 consumption only on the premises described in the temporary  
168 permit. A Class 3 permit may be issued only to an applicant  
169 demonstrating to the department, by a statement signed under



170 penalty of perjury submitted ten (10) days before the proposed  
171 date or such other time as the department may determine, that it  
172 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
173 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
174 A Class 3 permit holder shall obtain all alcoholic beverages from  
175 the holder(s) of a package retailer's permit located in the county  
176 in which the temporary permit is issued. Wine remaining in stock  
177 upon expiration of the temporary permit may be returned by the  
178 Class 3 temporary permit holder to the package retailer for a  
179 refund of the purchase price, with consent of the package  
180 retailer, or may be kept by the Class 3 temporary permit holder  
181 exclusively for personal use and consumption, subject to all laws  
182 pertaining to the illegal sale and possession of alcoholic  
183 beverages. The department, following review of the statement  
184 provided by the applicant and the requirements of the applicable  
185 statutes and regulations, may issue the permit. No retailer may  
186 receive more than twelve (12) Class 3 temporary permits in a  
187 calendar year. A Class 3 temporary permit shall not be issued to  
188 a retail establishment that either holds a merchant permit issued  
189 under paragraph (1) of this subsection, or holds a permit issued  
190 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
191 the holder to engage in the business of a retailer of light wine  
192 or beer.

193 (g) **Caterer's permit.** A caterer's permit shall permit  
194 the purchase of alcoholic beverages by a person engaging in





195 business as a caterer and the resale of alcoholic beverages by  
196 such person in conjunction with such catering business. No person  
197 shall qualify as a caterer unless forty percent (40%) or more of  
198 the revenue derived from such catering business shall be from the  
199 serving of prepared food and not from the sale of alcoholic  
200 beverages and unless such person has obtained a permit for such  
201 business from the Department of Health. A caterer's permit shall  
202 not authorize the sale of alcoholic beverages on the premises of  
203 the person engaging in business as a caterer; however, the holder  
204 of an on-premises retailer's permit may hold a caterer's permit.  
205 When the holder of an on-premises retailer's permit or an  
206 affiliated entity of the holder also holds a caterer's permit, the  
207 caterer's permit shall not authorize the service of alcoholic  
208 beverages on a consistent, recurring basis at a separate, fixed  
209 location owned or operated by the caterer, on-premises retailer or  
210 affiliated entity and an on-premises retailer's permit shall be  
211 required for the separate location. All sales of alcoholic  
212 beverages by holders of a caterer's permit shall be made at the  
213 location being catered by the caterer, and, except as otherwise  
214 provided in subsection (5) of this section, such sales may be made  
215 only for consumption at the catered location. The location being  
216 catered may be anywhere within a county or judicial district that  
217 has voted to come out from under the dry laws or in which the sale  
218 and distribution of alcoholic beverages is otherwise authorized by  
219 law. Such sales shall be made pursuant to any other conditions



220 and restrictions which apply to sales made by on-premises retail  
221 permittees. The holder of a caterer's permit or his employees  
222 shall remain at the catered location as long as alcoholic  
223 beverages are being sold pursuant to the permit issued under this  
224 paragraph (g), and the permittee shall have at the location the  
225 identification card issued by the Alcoholic Beverage Control  
226 Division of the department. No unsold alcoholic beverages may be  
227 left at the catered location by the permittee upon the conclusion  
228 of his business at that location. Appropriate law enforcement  
229 officers and Alcoholic Beverage Control Division personnel may  
230 enter a catered location on private property in order to enforce  
231 laws governing the sale or serving of alcoholic beverages.

232 (h) **Research permit.** A research permit shall authorize  
233 the holder thereof to operate a research facility for the  
234 professional research of alcoholic beverages. Such permit shall  
235 authorize the holder of the permit to import and purchase limited  
236 amounts of alcoholic beverages from the department or from  
237 importers, wineries and distillers of alcoholic beverages for  
238 professional research.

239 (i) **Alcohol processing permit.** An alcohol processing  
240 permit shall authorize the holder thereof to purchase, transport  
241 and possess alcoholic beverages for the exclusive use in cooking,  
242 processing or manufacturing products which contain alcoholic  
243 beverages as an integral ingredient. An alcohol processing permit  
244 shall not authorize the sale of alcoholic beverages on the



245 premises of the person engaging in the business of cooking,  
246 processing or manufacturing products which contain alcoholic  
247 beverages. The amounts of alcoholic beverages allowed under an  
248 alcohol processing permit shall be set by the department.

249 (j) **Hospitality cart permit.** A hospitality cart permit  
250 shall authorize the sale of alcoholic beverages from a mobile cart  
251 on a golf course that is the holder of an on-premises retailer's  
252 permit. The alcoholic beverages sold from the cart must be  
253 consumed within the boundaries of the golf course.

254 (k) **Special service permit.** A special service permit  
255 shall authorize the holder to sell commercially sealed alcoholic  
256 beverages to the operator of a commercial or private aircraft for  
257 en route consumption only by passengers. A special service permit  
258 shall be issued only to a fixed-base operator who contracts with  
259 an airport facility to provide fueling and other associated  
260 services to commercial and private aircraft.

261 (l) **Merchant permit.** Except as otherwise provided in  
262 subsection (5) of this section, a merchant permit shall be issued  
263 only to the owner of a spa facility, an art studio or gallery, or  
264 a cooking school, and shall authorize the holder to serve  
265 complimentary by the glass wine only, including native wine, at  
266 the holder's spa facility, art studio or gallery, or cooking  
267 school. A merchant permit holder shall obtain all wine from the  
268 holder of a package retailer's permit.



269 (m) **Temporary alcoholic beverages charitable auction**  
270 **permit.** A temporary permit, not to exceed five (5) days, may be  
271 issued to a qualifying charitable nonprofit organization that is  
272 exempt from taxation under Section 501(c)(3) or (4) of the  
273 Internal Revenue Code of 1986. The permit shall authorize the  
274 holder to sell alcoholic beverages for the limited purpose of  
275 raising funds for the organization during a live or silent auction  
276 that is conducted by the organization and that meets the following  
277 requirements: (i) the auction is conducted in an area of the  
278 state where the sale of alcoholic beverages is authorized; (ii) if  
279 the auction is conducted on the premises of an on-premises  
280 retailer's permit holder, then the alcoholic beverages to be  
281 auctioned must be stored separately from the alcoholic beverages  
282 sold, stored or served on the premises, must be removed from the  
283 premises immediately following the auction, and may not be  
284 consumed on the premises; (iii) the permit holder may not conduct  
285 more than two (2) auctions during a calendar year; (iv) the permit  
286 holder may not pay a commission or promotional fee to any person  
287 to arrange or conduct the auction.

288 (n) **Event venue retailer's permit.** An event venue  
289 retailer's permit shall authorize the holder thereof to purchase  
290 and resell alcoholic beverages, including native wines and native  
291 spirits, for consumption on the premises during legal hours during  
292 events held on the licensed premises if food is being served at  
293 the event by a caterer who is not affiliated with or related to



294 the permittee. The caterer must serve at least three (3) entrees.  
295 The permit may only be issued for venues that can accommodate two  
296 hundred (200) persons or more. The number of persons a venue may  
297 accommodate shall be determined by the local fire department and  
298 such determination shall be provided in writing and submitted  
299 along with all other documents required to be provided for an  
300 on-premises retailer's permit. The permittee must derive the  
301 majority of its revenue from event-related fees, including, but  
302 not limited to, admission fees or ticket sales for live  
303 entertainment in the building. "Event-related fees" do not  
304 include alcohol, beer or light wine sales or any fee which may be  
305 construed to cover the cost of alcohol, beer or light wine. This  
306 determination shall be made on a per event basis. An event may  
307 not last longer than two (2) consecutive days per week.

308           (o) **Temporary theatre permit.** A temporary theatre  
309 permit, not to exceed five (5) days, may be issued to a charitable  
310 nonprofit organization that is exempt from taxation under Section  
311 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
312 a theatre facility that features plays and other theatrical  
313 performances and productions. Except as otherwise provided in  
314 subsection (5) of this section, the permit shall authorize the  
315 holder to sell alcoholic beverages, including native wines and  
316 native spirits, to patrons of the theatre during performances and  
317 productions at the theatre facility for consumption during such  
318 performances and productions on the premises of the facility



319 described in the permit. A temporary theatre permit holder shall  
320 obtain all alcoholic beverages from package retailers located in  
321 the county in which the permit is issued. Alcoholic beverages  
322 remaining in stock upon expiration of the temporary theatre permit  
323 may be returned by the permittee to the package retailer for a  
324 refund of the purchase price upon consent of the package retailer  
325 or may be kept by the permittee exclusively for personal use and  
326 consumption, subject to all laws pertaining to the illegal sale  
327 and possession of alcoholic beverages.

328           (p) **Charter ship operator's permit.** Subject to the  
329 provisions of this paragraph (p), a charter ship operator's permit  
330 shall authorize the holder thereof and its employees to serve,  
331 monitor, store and otherwise control the serving and availability  
332 of alcoholic beverages to customers of the permit holder during  
333 private charters under contract provided by the permit holder. A  
334 charter ship operator's permit shall authorize such action by the  
335 permit holder and its employees only as to alcoholic beverages  
336 brought onto the permit holder's ship by customers of the permit  
337 holder as part of such a private charter. All such alcoholic  
338 beverages must be removed from the charter ship at the conclusion  
339 of each private charter. A charter ship operator's permit shall  
340 not authorize the permit holder to sell, charge for or otherwise  
341 supply alcoholic beverages to customers, except as authorized in  
342 this paragraph (p). For the purposes of this paragraph (p),  
343 "charter ship operator" means a common carrier that (i) is



344 certified to carry at least one hundred fifty (150) passengers  
345 and/or provide overnight accommodations for at least fifty (50)  
346 passengers, (ii) operates only in the waters within the State of  
347 Mississippi, which lie adjacent to the State of Mississippi south  
348 of the three (3) most southern counties in the State of  
349 Mississippi, and (iii) provides charters under contract for tours  
350 and trips in such waters.

351           (q) **Distillery retailer's permit.** The holder of a  
352 Class 1 manufacturer's permit may obtain a distillery retailer's  
353 permit. A distillery retailer's permit shall authorize the holder  
354 thereof to sell at retail alcoholic beverages to consumers for  
355 on-premises consumption, or to consumers by the sealed and  
356 unopened bottle from a retail location at the distillery for  
357 off-premises consumption. The holder may only sell product  
358 manufactured by the manufacturer at the distillery described in  
359 the permit. However, when selling to consumers for on-premises  
360 consumption, a holder of a distillery retailer's permit may add  
361 other beverages, alcoholic or not, so long as the total volume of  
362 other beverage components containing alcohol does not exceed  
363 twenty percent (20%). Hours of sale shall be the same as those  
364 authorized for on-premises permittees in the city or county in  
365 which the distillery retailer is located.

366           The holder shall not sell at retail more than ten percent  
367 (10%) of the alcoholic beverages produced annually at its  
368 distillery. The holder shall not make retail sales of more than



369 two and twenty-five one-hundredths (2.25) liters, in the  
370 aggregate, of the alcoholic beverages produced at its distillery  
371 to any one (1) individual for consumption off the premises of the  
372 distillery within a twenty-four-hour period. The hours of sale  
373 shall be the same as those hours for package retailers under this  
374 chapter. The holder of a distillery retailer's permit is not  
375 required to purchase the alcoholic beverages authorized to be sold  
376 by this paragraph from the department's liquor distribution  
377 warehouse; however, if the holder does not purchase the alcoholic  
378 beverages from the department's liquor distribution warehouse, the  
379 holder shall pay to the department all taxes, fees and surcharges  
380 on the alcoholic beverages that are imposed upon the sale of  
381 alcoholic beverages shipped by the Alcoholic Beverage Control  
382 Division of the Department of Revenue. In addition to alcoholic  
383 beverages, the holder of a distillery retailer's permit may sell  
384 at retail promotional products from the same retail location,  
385 including shirts, hats, glasses, and other promotional products  
386 customarily sold by alcoholic beverage manufacturers.

387 (r) **Festival Wine Permit.** Any wine manufacturer or  
388 native wine producer permitted by Mississippi or any other state  
389 is eligible to obtain a Festival Wine Permit. This permit  
390 authorizes the entity to transport product manufactured by it to  
391 festivals held within the State of Mississippi and sell sealed,  
392 unopened bottles to festival participants. The holder of this  
393 permit may provide samples at no charge to participants.





394 "Festival" means any event at which three (3) or more vendors are  
395 present at a location for the sale or distribution of goods. The  
396 holder of a Festival Wine Permit is not required to purchase the  
397 alcoholic beverages authorized to be sold by this paragraph from  
398 the department's liquor distribution warehouse. However, if the  
399 holder does not purchase the alcoholic beverages from the  
400 department's liquor distribution warehouse, the holder of this  
401 permit shall pay to the department all taxes, fees and surcharges  
402 on the alcoholic beverages sold at such festivals that are imposed  
403 upon the sale of alcoholic beverages shipped by the Alcoholic  
404 Beverage Control Division of the Department of Revenue.  
405 Additionally, the entity shall file all applicable reports and  
406 returns as prescribed by the department. This permit is issued  
407 per festival and provides authority to sell for two (2)  
408 consecutive days during the hours authorized for on-premises  
409 permittees' sales in that county or city. The holder of the  
410 permit shall be required to maintain all requirements set by Local  
411 Option Law for the service and sale of alcoholic beverages. This  
412 permit may be issued to entities participating in festivals at  
413 which a Class 1 temporary permit is in effect.

414 This paragraph (r) shall stand repealed from and after July  
415 1, 2023.

416 (s) **Charter vessel operator's permit.** Subject to the  
417 provisions of this paragraph (s), a charter vessel operator's  
418 permit shall authorize the holder thereof and its employees to



419 sell and serve alcoholic beverages to passengers of the permit  
420 holder during public tours, historical tours, ecological tours and  
421 sunset cruises provided by the permit holder. The permit shall  
422 authorize the holder to only sell alcoholic beverages, including  
423 native wines, to passengers of the charter vessel operator during  
424 public tours, historical tours, ecological tours and sunset  
425 cruises provided by the permit holder aboard the charter vessel  
426 operator for consumption during such tours and cruises on the  
427 premises of the charter vessel operator described in the permit.  
428 For the purposes of this paragraph (s), "charter vessel operator"  
429 means a common carrier that (i) is certified to carry at least  
430 forty-nine (49) passengers, (ii) operates only in the waters  
431 within the State of Mississippi, which lie south of Interstate 10  
432 in the three (3) most southern counties in the State of  
433 Mississippi, and lie adjacent to the State of Mississippi south of  
434 the three (3) most southern counties in the State of Mississippi,  
435 extending not further than one (1) mile south of such counties,  
436 and (iii) provides vessel services for tours and cruises in such  
437 waters as provided in this paragraph (s).

438 (t) **Native spirit retailer's permit.** Except as  
439 otherwise provided in subsection (5) of this section, a native  
440 spirit retailer's permit shall be issued only to a holder of a  
441 Class 4 manufacturer's permit, and shall authorize the holder  
442 thereof to make retail sales of native spirits to consumers for  
443 on-premises consumption or to consumers in originally sealed and



444 unopened containers at an establishment located on the premises of  
445 or in the immediate vicinity of a native distillery. When selling  
446 to consumers for on-premises consumption, a holder of a native  
447 spirit retailer's permit may add to the native spirit alcoholic  
448 beverages not produced on the premises, so long as the total  
449 volume of foreign beverage components does not exceed twenty  
450 percent (20%) of the mixed beverage. Hours of sale shall be the  
451 same as those authorized for on-premises permittees in the city or  
452 county in which the native spirit retailer is located.

453           (u) **Delivery service permit.** Any individual, limited  
454 liability company, corporation or partnership registered to do  
455 business in this state is eligible to obtain a delivery service  
456 permit. Subject to the provisions of Section 67-1-51.1, this  
457 permit authorizes the permittee, or its employee or an independent  
458 contractor acting on its behalf, to deliver alcoholic beverages,  
459 beer, light wine and light spirit product from a licensed retailer  
460 to a person in this state who is at least twenty-one (21) years of  
461 age for the individual's use and not for resale. This permit does  
462 not authorize the delivery of alcoholic beverages, beer, light  
463 wine or light spirit product to the premises of a location with a  
464 permit for the manufacture, distribution or retail sale of  
465 alcoholic beverages, beer, light wine or light spirit product.  
466 The holder of a package retailer's permit or an on-premises  
467 retailer's permit under Section 67-1-51 or of a beer, light wine  
468 and light spirit product permit under Section 67-3-19 is



469 authorized to apply for a delivery service permit as a privilege  
470 separate from its existing retail permit.

471 (2) Except as otherwise provided in subsection (4) of this  
472 section, retail permittees may hold more than one (1) retail  
473 permit, at the discretion of the department.

474 (3) (a) Except as otherwise provided in this subsection, no  
475 authority shall be granted to any person to manufacture, sell or  
476 store for sale any intoxicating liquor as specified in this  
477 chapter within four hundred (400) feet of any church, school,  
478 kindergarten or funeral home. However, within an area zoned  
479 commercial or business, such minimum distance shall be not less  
480 than one hundred (100) feet.

481 (b) A church or funeral home may waive the distance  
482 restrictions imposed in this subsection in favor of allowing  
483 issuance by the department of a permit, pursuant to subsection (1)  
484 of this section, to authorize activity relating to the  
485 manufacturing, sale or storage of alcoholic beverages which would  
486 otherwise be prohibited under the minimum distance criterion.  
487 Such waiver shall be in written form from the owner, the governing  
488 body, or the appropriate officer of the church or funeral home  
489 having the authority to execute such a waiver, and the waiver  
490 shall be filed with and verified by the department before becoming  
491 effective.

492 (c) The distance restrictions imposed in this  
493 subsection shall not apply to the sale or storage of alcoholic



494 beverages at a bed and breakfast inn listed in the National  
495 Register of Historic Places or to the sale or storage of alcoholic  
496 beverages in a historic district that is listed in the National  
497 Register of Historic Places, is a qualified resort area and is  
498 located in a municipality having a population greater than one  
499 hundred thousand (100,000) according to the latest federal  
500 decennial census.

501 (d) The distance restrictions imposed in this  
502 subsection shall not apply to the sale or storage of alcoholic  
503 beverages at a qualified resort area as defined in Section  
504 67-1-5(o)(iii)32.

505 (e) The distance restrictions imposed in this  
506 subsection shall not apply to the sale or storage of alcoholic  
507 beverages at a licensed premises in a building formerly owned by a  
508 municipality and formerly leased by the municipality to a  
509 municipal school district and used by the municipal school  
510 district as a district bus shop facility.

511 (f) The distance restrictions imposed in this  
512 subsection shall not apply to the sale or storage of alcoholic  
513 beverages at a licensed premises in a building consisting of at  
514 least five thousand (5,000) square feet and located approximately  
515 six hundred (600) feet from the intersection of Mississippi  
516 Highway 15 and Mississippi Highway 4.

517 (g) The distance restrictions imposed in this  
518 subsection shall not apply to the sale or storage of alcoholic



519 beverages at a licensed premises in a building located at the  
520 southeast corner of Ward and Tate Streets in the City of  
521 Senatobia, Mississippi.

522 (4) No person, either individually or as a member of a firm,  
523 partnership, limited liability company or association, or as a  
524 stockholder, officer or director in a corporation, shall own or  
525 control any interest in more than \* \* \* three (3) package  
526 retailer's permits, nor shall such person's spouse, if living in  
527 the same household of such person, any relative of such person, if  
528 living in the same household of such person, or any other person  
529 living in the same household with such person own any interest in  
530 any other package retailer's permit which, when combined with the  
531 number of package retailer's permits owned by the person or in  
532 which the person has a controlling interest, would total more than  
533 three (3) package retailer's permits.

534 (5) (a) In addition to any other authority granted under  
535 this section, the holder of a permit issued under subsection  
536 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may  
537 sell or otherwise provide alcoholic beverages and/or wine to a  
538 patron of the permit holder in the manner authorized in the permit  
539 and the patron may remove an open glass, cup or other container of  
540 the alcoholic beverage and/or wine from the licensed premises and  
541 may possess and consume the alcoholic beverage or wine outside of  
542 the licensed premises if: (i) the licensed premises is located  
543 within a leisure and recreation district created under Section



544 67-1-101 and (ii) the patron remains within the boundaries of the  
545 leisure and recreation district while in possession of the  
546 alcoholic beverage or wine.

547 (b) Nothing in this subsection shall be construed to  
548 allow a person to bring any alcoholic beverages into a permitted  
549 premises except to the extent otherwise authorized by this  
550 chapter.

551 **SECTION 2.** This act shall take effect and be in force from  
552 and after July 1, 2022.

